

APR 22 2008

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FACSIMILE COVER SHEET

TO: Examiner Oanh L. Duong
U. S. Patent & Trademark Office
Group Art Unit 2155

FROM: Damond E. Vadnais, Reg. No. 52,310

RE: U.S. Application No. 10/616,940
Atty. Docket No.: 01807.002322.

FAX NO.: (571) 273-8300

DATE: April 22, 2008

NO. OF PAGES: 17
(including cover page)

TIME: 7:10 P.M.

SENT BY: LS

MESSAGE**Attachments:**

- 1) Petition under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment
Based on Non-receipt of Office Action
- 2) Exhibit A: Copy of Notice of Abandonment
- 3) Exhibit B: Copy of Master Docket Records

Certificate of Transmission

I hereby certify that this correspondence is being transmitted
via facsimile to the U.S. Patent and Trademark Office at
(571) 273-8300, on

April 22, 2008
Date


Signature

Damond E. Vadnais, Reg. No. 52,310
Name of Attorney for Applicants

Note: We are transmitting from a Canon Model FAX-L770
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01807.002322.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
JEAN-JACQUES MOREAU, et al.) Examiner: Oanh L. Duong
Application No.: 10/616,940) Group Art Unit: 2155
Filed: July 11, 2003)
For: METHOD OF TRANSLATING A)
MESSAGE FROM A FIRST)
MARKUP LANGUAGE INTO A)
SECOND MARKUP LANGUAGE : April 22, 2008

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON NON-RECEIPT OF OFFICE ACTION

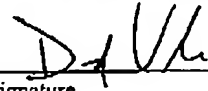
Sir:

This is a petition under 37 C.F.R. § 1.181 to withdraw a holding of abandonment in the subject application. While it is believed that no fee is necessary for this petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 06-1205.

Certificate of Transmission

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300, on

April 22, 2008
Date


Signature

Damond E. Vadnais, Reg. No. 52,310
Name of Attorney for Applicants

Petitioners have received a Notice of Abandonment dated February 22, 2008 (copy attached as Exhibit A). The Notice indicates that the application became abandoned for failure to file a timely reply to the Office Action dated July 26, 2007. However, this Office Action was never received by Petitioners.

In support of the Petition, the undersigned hereby states that the July 26, 2007 Office Action was not received at the correspondence address of record, and that a search of the Firm's records, including the file jacket and the application contents, indicates that the Office Action was not received. In addition, transmitted herewith is a copy of the Firm's master docket record (attached as Exhibit B). The docket record shows all responses due on October 26, 2007, which is three months from the mail date of the non-received Office Action. According to the docket record, no response was due for Application No. 10/616,940. Portions of the serial numbers listed in the docket record have been redacted to maintain confidentiality; however, the last few numbers of each serial number remain visible and are circled for easy comparison with the subject application number.

Pursuant to the decision in *Delgar v. Schulyer*, 172 U.S.P.Q. 513 (D.D.C. 1971), as modified by MPEP § 711.03(c)(I)(A), Petitioners hereby petition under 37 C.F.R. § 1.181 to revive the subject application and respectfully request a new Office Action be mailed which sets a new period for response that commences from the date on which the new Office Action is mailed.

Petitioners' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



Damond E. Vadnais
Attorney for Petitioners
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 2113890V1

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,940	07/11/2003	Jean-Jacques Moreau	01807.002322.	3021

5514 7590 02/22/2008
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

DUONG, OANH L

ART UNIT PAPER NUMBER

2155

MAIL DATE DELIVERY MODE

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

01807. 002322.
GSW

Erroneous notice
of abandonment

MAR - 4 2008

Notice of Abandonment	Application No.	Applicant(s)	
	10/616,940	MOREAU ET AL.	
	Examiner	Art Unit	
	Oanh Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 July 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Oanh Duong/
Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit B

MASTER DOCKET -

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Print : 10/11/2007 11:59:11	Docket Number	Attorney	Action	Application No
	10/26/2007	Ex f. h. 11/26/02 v 300 10/26/02	3 month Office Action initial deadline	461
Remarks	09292-101070	Bershtadsky, Jonathan		
	10/26/2007	Ken N/A by egs v FIC/ES 10/26/02	1 month restriction initial deadline	461
Remarks	00169.139193	Cire, Frank L.		
	10/26/2007	Rec'd 10/26/02 v FAD 10/16/02	FINAL 3 month Office Action initial deadline	461
Remarks	00862.021808.2	DeLucia, Frank A.		
	10/26/2007	Ex f. h. 11/26/02 v FAD 10/26/02	Client's filing deadline	
Remarks	02495.000025	DeLucia, Frank A.		
	10/26/2007	Ex f. h. 11/26/02 v FAD 10/26/02	FINAL 3 month Office Action initial deadline	461
Remarks	02608.002700	DeLucia, Frank A.		
	10/26/2007	Ex f. h. 11/26/02 v FAD 10/26/02	3 month Office Action initial deadline	461
Remarks	03500.101276	DeLucia, Frank A.		
	10/26/2007	Ex f. h. 11/26/02 v FAD 10/26/02	Client's filing deadline	
Remarks	03495.000054	DeLucia, Frank A.		

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Print: 10/11/2007 11:59:1	Docket Number	Attorney	Action	Application No	Page 73
10/26/2007	03300-109326-1	DiPerna, Raymond	Issue fees due	825	
Remarks	(COPY FAD ON ANY CORRESPONDENCE) REI APPLN OF USP 6028963 ISSUED 022200; FDX 010903 - STMT ASGNEE; 1ST RCE SENT COM 101504; IPT 080307 - PAY FEE;				
10/26/2007	03300-109326-1	DiPerna, Raymond	3 month Office Action 1 month extension	864	
Remarks	IPT 072607/091807 - inquiry: OA;				
10/26/2007	04099-009900-PV	Fischer, Robert H.	Provide Potential Deadline - 9 Month Reminde	550	
Remarks	Reminded - nothing to be done by 10/26/07				
10/26/2007	03360-002971	Guzmezak, Michael J.	Statement interview Due	291	
Remarks	Reminded - nothing to be done by 10/26/07				
10/26/2007	08684-519215	Heckenberg, Jr., Donald H.	3 month Office Action initial deadline	706	
Remarks	File with 14 related applications; IPT 120705 - Letter re: OFR;				
10/26/2007	03292-101790	Heckenberg, Jr., Donald H.	FINAL 3 month Office Action initial deadline	310	
Remarks	Issued Re. Sec. 371 10/26/07				
10/26/2007	02213-000300-1	Holmes, Elizabeth F.	Issue Publication Fees due	29	10/22/2007
Remarks	1.53B DIV - PAR TO ISSUE; (COPY RLB/LAB); FX 091203 - NO FURTHER IDS; FAX 031506 - Letter re: Name change; Tcopy 122906 - re: name change; 2nd Assignee Merger / Astellas Pharma Inc.; PTA=360;				

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	00366.000093.	Wdt pcy123 m. elat fax 10/26/07.	Renewal Grace Period	317
Remarks	#3624:			
	FAX 052307: Inquiry re: Cost re: M-Fees;			
	per by EFS v CPD 10/23/07.			
10/26/2007	00366.000148	Manning, Christian	Response to Informality extensions init dead	64
Remarks	(MPS) LET 011602-RE: DEBIT; TLCY 052102 - RE: INVENTOR.			
10/26/2007	03560.003429.	McCahey, Ann M.	3 month Office Action initial deadline	65
Remarks				
10/26/2007	03426.000410.PV	Mee, Brendan S.	Provide Potential Deadline - 6 Month Remande	06
Remarks				
10/26/2007	02047.00030A	Okun, Jason M.	Renewal Grace Period	562
Remarks	(NO DWGS) 1ST CPA FILED 022599;			
10/26/2007	03560.016384.	Okun, Jason M.	month restriction initial deadline	879
Remarks	NATL PHASE OF PCT/JP02/06514 OF 062702; ##GIVE CORR OF TO JMO##; IPT 020906 - lds; IPT 100907 - REQ FOR RE-UPLOAD;			
10/26/2007	03190.000014.	Oliver, Justin I.	Advisory/Appeal Brief due with 1 month Extension	61
Remarks				
10/26/2007	02666.001412	O'Neill, Michael K.	Application convention deadline	notify SF
Remarks				
10/26/2007	03560.003057.	CM Extramurk of Notel Hand.	10/19/07 EPL 10/25/07	

MASTER DOCKET - [REDACTED]

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	0319100100	ONEILL, Michael K.	FINAL 3-month Office Action initial deadline	902
Remarks	(JOINT ASSIGNEES); \$40 FEE RETURNED FOR RESP REV/ASSIGN OF 010405;			
10/26/2007	03630.000282.1	ONEILL, Michael K.	FINAL 3-month Office Action initial deadline	902
Remarks	IPT 042307 - INSTR & Prepare & Send Terminal Disclaimer;			
10/26/2007	00005.001243	Perry, Lawrence S.	3 month Office Action 1 month extension	980
Remarks	NATL PHASE OF PCT/IP03/02372 OF 022803;			
10/26/2007	00005.001297	Perry, Lawrence S.	Priority documents still required	633
Remarks	ilepy 090706 - ref; DHL 092206 refs;			
10/26/2007	00005.001298	Perry, Lawrence S.	Priority documents still required	234
Remarks	Tlcopy 080206/082106 - prelim amend & ids; CLILET 091106 - TRANSL IPER;			
10/26/2007	00005.001316	Perry, Lawrence S.	Power of attorney due to be filed	554
Remarks	N5-EXC to 11-26-07			
10/26/2007	00005.001319	Perry, Lawrence S.	3 month Office Action 1 month extension	211
Remarks	Dadwin + whis yan 7 510 10/15/07			
10/26/2007	01997.060000	Pierodi, Joseph P	Notice to File Missing Parts - 1 month extension	940
Remarks	(Joint Assignee) Clilet 072507 - decl/assign;			

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	01396.002050	Razzano, Pasquale A.	Application convention deadline	
Remarks				
10/26/2007	01396.002050.PV	Razzano, Pasquale A.	Foreign filing convention deadline	(91)
Remarks				
10/26/2007	03500.017665	Saxon, Peter	FINAL 3 month Office Action initial deadline	(896)
Remarks				
10/26/2007	03500.017803	Saxon, Peter	3 month Office Action initial deadline	(662)
Remarks				
10/26/2007	03500.104727	Saxon, Peter	IDS Due + 1 Month	(929)
Remarks				
10/26/2007	03500.123334	Saxon, Peter	IDS Due + 1 Month	(009)
Remarks				
10/26/2007	03905.000003	Scambia, Diego	Renewal Grace Period	(25)
Remarks				

See below

New Prov. Appn. Class (32) filed 10-24-07 @ 10:05

Amend P16 by [REDACTED] 11/26/07 PS 10/16/07

Reminded - Ex. 1.0 11/26/07 PS 10/26/07 10/14/07

Reminded - Ex. 1.0 11/26/07 PS 10/26/07

Reminded - Ex. 1.0 11/26/07 PS 10/26/07

Client will NOT pay for Dan S. Scambia, Diego

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	03500-047940	Stahl, Lawrence A.	Appeal - 1 month extension	820
Remarks	(JOINT ASSIGNEE) FLOPPY RCD W/APPLN; (Prev docket number: 03500.017940.); 1.53b div filed 061506; IPT 092707 - File Suppl Amend.;			
10/26/2007	00862.023372	Tchakerian, Shant	3 month Office Action initial deadline	262
Remarks	FLOPPY RCD W/APPLN; IPT 100107 - File IDS;			
10/26/2007	03500.125528	Vadnais, Diamond E.	3-month Office Action initial deadline	864
Remarks	FEDEX 121906 - prior doc;			
10/26/2007	00684.110546.1	Wannisky, William M.	3 month Office Action initial deadline	584
Remarks	IPT 042307 - Request to reupload;			
10/26/2007	03500.51885	Wannisky, William M.	3 month Office Action 1 month extension	515
Remarks	FLOPPY RECD W/APPLN; IPT 092607 - INSTR;			
10/26/2007	03500.520126.1	Wannisky, William M.	3 month Office Action initial deadline	559
Remarks	IPT 042407 - New Claims; IPT 080307 - Request to Reupload; IPT 101007 - INSTR;			
10/26/2007	03560.148223	Wannisky, William M.	Convention Deadline - 2 Week Reminder	
Remarks				
10/26/2007	0102.014300	Warner, Steven E.	Foreign filing convention deadline	590
Remarks				

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Due Date	Pocket Number	Attorney	Action	Application No
10/26/2007	01263.00963	W. H. Weaver	3 month Office Action + month extension	755
Remarks	(CRP2607/2609) FLOPPY RCD W/APLN; EX 110804 - RQ CO/OF; FX 011005 - INQ RE: RQ/CO OF; IPT 092507 - INSTR;			
10/26/2007	03560.003037.1	Weaver, Gregory S.	3 month Office Action + month extension	181
Remarks	1.53b div filed; IPT 091407 - INSTR;			
10/26/2007	03560.003087	Weaver, Gregory S.	3 month Office Action initial deadline	108
Remarks	Ampl 1 IDS by EFD in ltr 10/26/07			
10/26/2007	01272.109748	Williamson, Mark A.	3 month Office Action initial deadline	191
Remarks	flop rcd w/apln; IPT 092107 - INSTR;			
10/26/2007	01306.000099	Williamson, Mark A.	FINAL 3 month Office Action initial deadline	525
Remarks	See below			
10/26/2007	03560.017534	Williamson, Mark A.	Drawings Correction Due	130
Remarks	NATL PHASE OF PCT/IP03/11297 FILED 090403; FLOPPY RCD W/APLN;			
10/26/2007	03500.017534	Williamson, Mark A.	3 month Office Action initial deadline	130
Remarks	NATL PHASE OF PCT/IP03/11297 FILED 090403; FLOPPY RCD W/APLN;			
10/26/2007	03292.102100	Yu-Jahnes, Lock See	3 month Office Action initial deadline	018
Remarks				

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	03292.102100.	Yu-Jahnes, Look See	Drawings Correction Due	018
10/26/2007	03775.000100.	Yu-Jahnes, Look See	Provide Potential-Deadline - 6 Month-Remindate	
10/26/2007	02910.125749.	Zupcic, Anthony M.	Application-conviction-Deadline	
10/26/2007	03503.001605.	Zupcic, Anthony M.	Expiry date	030
10/26/2007	03503.001608.	Zupcic, Anthony M.	Expiry date	059
10/26/2007	03503.001612.	Zupcic, Anthony M.	Expiry date	073
10/26/2007	03503.001616.	Zupcic, Anthony M.	Expiry date	006